

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BRIAN YOUNG,	)	
	)	Civil Action No. 10 – 786
Plaintiff,	)	
	)	District Judge Nora Barry Fischer
v.	)	Chief Magistrate Judge Lisa Pupo Lenihan
	)	
BRIAN COLEMAN, <i>et al.</i> ,	)	ECF Nos. 40, 45
	)	
Defendants.	)	

**MEMORANDUM ORDER**

This suit commenced with the receipt of Plaintiff’s motion to proceed *in forma pauperis* on June 9, 2010. (ECF No. 1.) The motion was granted and Plaintiff’s Complaint was filed with the Court that same day. (ECF No. 3.) The case was referred to Magistrate Judge Lisa Pupo Lenihan for all pretrial proceedings in accordance with the Magistrate Judge’s Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court for Magistrate Judges.

Defendant Meyer filed a Motion for Summary Judgment (ECF No. 40) on September 30, 2011, and Defendants Coleman, Mazcko, Rymarowiz, Gunsallus, and Tretinik filed a Motion for Summary Judgment (ECF No. 45) on November 7, 2011.

On April 16, 2012, the Magistrate Judge entered a Report and Recommendation (ECF No. 59) recommending that both motions be granted. She further recommended that the John Doe Defendants be dismissed from this action. Plaintiff was advised that he had until May 3, 2012, to file written objections to the Report and Recommendation, and was subsequently given

an extension to June 4, 2012, for which to file objections. As of the date of this Order, no objections have been filed.

Therefore, after *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered.

**AND NOW**, this 19th day of June, 2012,

**IT IS HEREBY ORDERED** that the Motions for Summary Judgment filed by Defendant Meyer (ECF No. 40) and Defendants Coleman, Mazcko, Rymarowitz, Gunsallus, and Tretnik (ECF No. 45) are **GRANTED**.

**IT IS FURTHER ORDERED** that the John Doe Defendants are dismissed from this action for Plaintiff's failure to identify and serve them despite having ample opportunity to do so.

**IT IS FURTHER ORDERED** that the Report and Recommendation dated April 16, 2012 (ECF No. 59) is **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court is to mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

s/Nora Barry Fischer  
Nora Barry Fischer  
United States District Judge

cc: Brian Young  
DL 3506  
S.C.I. at Forest  
Marienville, PA 16239

Counsel of Record